THE WASHINGTON LOBBYISTS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, today is an important day. It is opening day for the Washington Nationals. Baseball is back in Washington. But we ought to come up with a better name than the Washington Nationals, a name that really fits this city.

The new baseball team should be called the Washington Lobbyists. After all, who runs this town? The energy lobbyists that wrote the energy bill last night in committee, the bank lobbyists who wrote the bankruptcy bill today, the pharmaceutical lobbyists who write the medicare legislation, the Wall Street lobbyists who write the Social Security privacy legislation, and they and their Republican allies in Congress play under different rules. ''It ain't over 'til it's over,'' unless we are losing.

At home games, the Washington Lobbyists could hold the game open, adding extra innings if they are losing at the end of the arbitrary nine. Instead of the oh-so-boring ball day and bat day, we could have Halliburton Gasoline Night: a tank of gas for the first thousand fans at the Halliburton patriotic price of $8.95 a gallon. Or, we could have the Enron Double Header: fans get in early with promises of a big win, but then the team kicks you out and takes your pension away. Or, we could have Wal-Mart Kids Day: kids do not actually get to watch the game. Somebody has actually got to work the concession stand, after all.

Mr. Speaker, if we want to change how things work in Washington, we need a new pitching staff, and the Washington Lobbyists have to go.

CELEBRATING THE WASHINGTON NATIONALS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as I listened to my colleague talk about baseball, I have to say that when I first came to this town, I was told that there were two things that mattered: number one, the government; number two, the Redskins. I am so gratified that tonight we will have the opportunity to experience the opening game of the Nationals.

Now, I am a loyal Dodger fan. Tommy Lasorda has repeatedly told me that if I want to go to heaven, I must be a Dodger fan. But I want to congratulate the District of Columbia and all who have been involved in putting together this team. It has been 34 years since a baseball game has been played, a National League baseball game has been played in the District of Columbia, and we are very, very fortunate as a community to be able to focus on something other than the government and something other than the Redskins.

REAL SOLUTIONS FOR SOCIAL SECURITY AND THE DEFICIT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, irresponsible budget and tax policies have squandered the budget surpluses that President Bush inherited and turned them into a legacy of debt and deficits. Now he is trying to do the same thing to Social Security with a private accounts plan that would add trillions to our national debt.

This plan is exactly backwards. Instead of thinking up ways to weaken the Social Security Trust Fund, we should be taking steps to guarantee that the assets in the trust fund are truly there to pay future benefits. We cannot do that if we run up large deficits outside Social Security that weaken our economy and increase our foreign debt.

Anyone looking for a plan to address the Social Security problem can begin with two basic steps. First, take private accounts, privatization off the table; and, second, worry about the real crisis, which is the current budget deficit outside Social Security.

THE ''GEORGE W. BUSH BUREAU OF PUBLIC DEBT''

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am getting increasingly worried because we have named many a building after Ronald Reagan, but we have not yet named anything significant after our existing President, George W. Bush.

In light of the fact that the estate tax bill that passed yesterday will add $290 billion to the national debt, in light of the fact that the President has presented us with a budget deficit of $400 billion this year, not counting what happened yesterday, in light of the fact that he is trying to blow up Social Security by borrowing an extra $1.4 billion to finance those privatization accounts of his, I hope that Members of the House will join me next week in renaming the U.S. Bureau of Public Debt the ''George W. Bush Bureau of Public Debt.''

I think we ought to honor the President. He has truly earned this award.

PROVIDING FOR CONSIDERATION OF S. 256, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 211 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 211

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 256) to amend title 11 of the United States Code, and for other purposes. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a closed rule providing for consideration of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

□ 1030

The rule provides for 1 hour debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against the bill and its consideration, and it provides for one motion to recommit with or without instructions.

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 211.

The SPEAKER pro tempore (Mr. DUNCAN). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGREY. Mr. Speaker, bankruptcy reform is overdue for passage. Despite its critics, S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, does not exclude anyone from filing for bankruptcy. Instead, it implements a simple means test to shield debtors who make below their State's median income and to determine if a higher income debtor has the ability to partially pay back his or her creditors.

To phrase it simply, bankruptcy reform is financial accountability. It protects our system against fraud and abuse. And it asks those who have the means to repay as much of their debts as they can.

For at least four previous Congresses, members have been trying to reform our ''when in doubt, bail out society'' in favor of personal responsibility. Bankruptcy should not be a financial planning tool, and it should be available for legitimate emergency situations only. Our bankruptcy system should fit the needs of the individual, no more, no less. With this rule, and

passage of the underlying legislation, S. 256 we will finally see some movement in the right direction.

Bankruptcy reform is important to help speed up court hearings, because it only takes a few fraudulent or misdirected cases to stall a court for hundreds of other legitimate bankruptcy filings. Federal bankruptcy filings per judgeship have increased by 71 percent from 2,998 in 1992 to 5,130 in 2003; and it represents the largest case load in our Federal court system. This creates a backlog that slows down the process for those really in need of bankruptcy protection.

Bankruptcy reform provisions found in S. 256 include, but are not limited to: abuse prevention so debtors who have committed crimes of violence or engaged in drug trafficking are no longer able to use bankruptcy to hide their finances;

Needs-based credentials, where if a debtor has the ability to partially repay debts, he or she must either be channeled into a form of bankruptcy relief that requires repayment or risk having the bankruptcy case dismissed as an abusive filing;

Spousal and child support protections to help single parents and their children by closing a loophole used by some spouses currently avoiding their child support responsibilities. This would put child support and alimony payments as a first priority, ahead of credit card debt and attorney's fees. Child support and alimony payments are currently seventh in the priority list of payments;

Closing the mansion loophole require a debtor to live in a State for at least 2 years before he or she can claim that State's homestead exemption. The current requirement is 91 days, allowing some debtors to shield themselves from creditors by putting all of their equity into their homes;

Debtor protections requiring potential debtors to receive credit counseling before they can be eligible for bankruptcy relief, allowing them to make an informed choice about bankruptcy considering all alternatives and consequences;

Further, small business protections to defend against needless bankruptcy lawsuits. Under current law, a business can be sued by a bankruptcy trustee and forced to pay back monies previously paid by a firm that later files for bankruptcy protection;

Additionally, family farm relief by doubling debt eligibility for chapter 12 filing, allowing periodic inflation adjustment of this debt, and lowering the required percentage of a farmer's income that must be derived from farming operations.

There are business privacy protections to prohibit the disclosure of names of a debtor's minor children with privileged information kept in a nonpublic record. Current law allows nearly every item of information supplied by a debtor in connection with his or her bankruptcy case to be made available to the public.

S. 256 passed the Senate with a clear 74 to 25 majority. The House judiciary markup on March 16 included rollcall votes on 11 amendments. The reforms included in this legislation will be very beneficial to our society without ignoring the need of those suffering financial uncertainty. This legislation deserves a clean up-or-down vote. Mr. Speaker, I ask my colleagues to support this rule and pass S. 256 bankruptcy reform.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the time.

Before yielding myself such time as I may consume, I yield to the distinguished gentleman from California (Mr. STARK) for a unanimous consent request.

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I rise in strenuous opposition to this unfair bill.

Mr. Speaker, I rise in strong opposition to S. 256. This bankruptcy bill is touted as reform, but it is actually a wolf in sheep's clothing intended to allow credit card companies and other lenders to gouge consumers when they are most vulnerable.

Republicans are giving this gift to big credit card companies at a time when many Americans are faced with uncertain job stability, retirement security, and health coverage. In fact, 90% of all bankruptcies are filed due to the common financial emergency of a lost job or lack of medical coverage. This bill makes it harder for working families to seek shelter from these devastating and unavoidable expenses.

The Wall Street Journal recently featured the case of a constituent in my district. Crystal Herndon, a single mom in Haywood, California, earns $15 an hour. Ms. Herndon got sick with pneumonia, causing her to miss six weeks of work and rack up over $5,000 in medical bills. These unforeseen expenses caused her to fall behind on other financial obligations, and before she knew it she was simply unable to make ends meet. Bankruptcy protection was the only way out for Ms. Herndon and her family. It's hard to see the abuse in real instances of need such as these, especially when many Americans live paycheck to paycheck.

Sadly Crystal Herndon is not the only worker to be forced into bankruptcy due to unavoidable medical expenses. According to a recent Harvard University research study 2 million Americans, including filers and their dependents, face the double jeopardy of illness and bankruptcy each year. Most of these medically bankrupt are middle-class homeowners with responsible jobs and health insurance coverage. Once illness strikes, high copayments, deductibles, exclusions from coverage, and other loopholes quickly overwhelm these families' budgets. Loss of income and health insurance often deepen this financial crisis when a breadwinner becomes too sick to work.

To add insult to injury, consumers like Crystal Herndon will potentially face an avalanche of litigation that they can't afford as a result of this bill. The bill requires the debtor in some cases to have to challenge big corporate lenders in court to prove they are eligible to seek relief under Chapter 7 of the bankruptcy code. In addition, this bill also allows creditors to threaten debtors with costly ligitation that will force many families to needlessly give up their legal rights.

In their continuing compassion, the Republicans have crafted this so-called reform so that a parent seeking child support from a bankrupt spouse will have to fight it out with creditors in order to receive payment. Meanwhile, this bill makes it easier for those seeking bankruptcy protection to lose their homes or be evicted by the landlords. Yet, those with million dollar mansions will be able to keep their homes even while seeking the same protection under the law. Nothing like a fair shake for America's working families.

Finally, Mr. Speaker, with all of the perks they've awarded to the big credit card companies, Republicans have done nothing to ensure that they are held accountable for their role in this consumer crisis. There is nothing is this bill that stops the abusive, predatory lending that lands too many Americans in bankruptcy in the first place.

Bankruptcy has always been about giving a fresh start to those who have fallen on hard times. The link between illness, job loss, and health insurance is a harsh reality in our country today. It is morally reprehensible to suggest that we exploit medical tragedies befalling honest, hardworking Americans in order to grant the wishes of the credit card companies.

I urge my colleagues to vote down this merciless legislation. Now is not the time to turn the tables on America's working families. Vote no on S. 256.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to oppose this closed rule and S. 256. Once again, the majority has squelched debate on a controversial piece of legislation for no legitimate reason.

More than 35 Democratic amendments were offered in the Rules Committee yesterday. Yet none have been made in order. Why? There is no reason for limiting the debate in this manner.

The House came into session on Tuesday and Members will leave town later this afternoon after just 2 days of work. Even more, there was only one other bill of substance before the House this week. The time to debate this bill and its offered amendments is available. The willingness to conduct meaningful business, however, is the missing ingredient. A 1-hour debate on legislation containing such sweeping reforms is not the way to conduct the people's business.

The argument will be made that this has been 9 years in the making. But a lot of this measure has been overcome by time, and that will be discussed by others later.

I am particularly disappointed that an amendment I offered is not being allowed to come before this body for consideration. My amendment seeks to prevent the very bankruptcies that are

causing this Congress so much consternation and is germane to the discussion. It requires credit card companies to preserve a customer's interest rate prior to incurring medical expenses if the customer is unable to pay off the full medical expenses on time. It also prohibits hospitals from reporting delinquent patients for 5 years, provided that the patient is paying 20 percent of his or her monthly mandated medical expenses.

All the information we have available suggests that medical bills are the second leading cause of personal bankruptcy in the United States. It is, in my opinion, hypocritical to prevent debate on an amendment that could ameliorate some of the issues facing this bankruptcy reform legislation. Is not the whole point of this bill to make bankruptcy less frequent? If Members of Congress have ideas about how to accomplish that, should they not be heard?

Many other Members sought to introduce amendments, but have also been denied their opportunity to be heard. These amendments could have improved this legislation.

For example, the gentleman from Virginia (Mr. SCOTT) offered an amendment to exempt from the means test provision of debtors who have business losses incurred by a spouse who has died or deserted the debtor.

The gentleman from California (Mr. FILNER) offered an amendment that would exempt victims of identity theft. And the ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER), offered an amendment that imposes restrictions on issuing credit cards to college students. But none of those amendments, or the 31 others, will be debated today because the rule on this bill is closed.

At this point, Mr. Speaker, I will insert a list of all 35 amendments which the Republican majority has blocked from being considered in the CONGRESSIONAL RECORD.

AMENDMENTS SUBMITTED TO THE RULES COMMITTEE FOR S. 256 AND DENIED CONSIDERATION BY THE RULE (H. RES. 211)

1) Emanuel/Delahunt/Dingell—prevents debtors from shielding their funds from bankruptcy liquidation through so-called ''asset protection trusts;''

2) Filner—exempts disabled veterans from the bill's means test;

3) Filner—exempts from the bill's means test consumers who are victimized by identity theft;

4) Inslee—exempts from the bill's means test consumers whose debts are the result of serious medical problems;

5) Delahunt—requires debtor corporations to file for bankruptcy where their principal place of business is located;

6) Sanders—establishes a ''usury rate'' for credit card companies, above which credit card companies cannot charge consumers;

7) Sanders—caps fees credit card companies can impose on consumers at $15;

8) Sanders—prohibits credit card companies from changing interest rates based on changes in consumers' credit information;

9) Sanders—prohibits credit card companies from raising interest rates based on consumer credit reports;

10) Ruppersberger—requires credit card solicitations to be accompanied by a brochure explaining the consequences of the irresponsible use of credit;

11) Schiff—exempts from the bill's means test consumers who are victimized by identity theft, if at least 51% of the creditor claims against them are due to identity theft;

12) Lofgren—exempts from the bill's means test 1) families facing bankruptcy due to a serious medical hardship that drains at least 50% of their yearly income, and 2) families who lose at least one month of needed pay or alimony due to illness;

13) Lofgren—exempt from the bill's means test a single parent who failed to receive child or spousal support totaling more than 50% of her or his household income;

14) Scott (VA)—exempts from the bill's means test provisions: 1) debtors who have business losses incurred by a spouse who has died or deserted the debtor 2) debtors who have had serious illness in their family and 3) debtors who have been laid off;

15) Scott (VA)—exempts from the bill's means test provisions debtors who have business losses incurred by a spouse who has died or deserted the debtor;

16) Scott (VA)—exempts from the bill's means test provisions debtors who have had serious illness in their family;

17) Scott (VA)—exempts from the bill's means test provisions debtors who have been laid off from their jobs through no fault of their own;

18) Nadler—sunsets the bill after 2 years;

19) Watt—prohibits annual credit card rates higher than 75%;

20) Watt—includes the costs of college in the calculation of debtor's monthly expense;

21) Ruppersberger—exempts from the bill's means test debtors who have declared bankruptcy due to high medical expenses;

22) Hastings (FL)—prevents credit card companies from increasing rates on consumers who use their credit cards to pay for extraordinary medical expenses; also prevents hospitals from generating negative credit information on consumers who are paying their bills in good faith;

23) Meehan—Exempts from the means test disabled veterans whose indebtedness occurred primarily as a result of an injury or disability resulting from active duty or homeland defense activities; closes a loophole in S. 256, which exempts only disabled veterans whose indebtedness occurs primarily while on active duty while failing to exempt disabled veterans whose indebtedness occurs after they have left active duty;

24) Jackson Lee—makes debts arising out of state sex offenses non-dischargeable in bankruptcy proceedings;

25) Jackson Lee—clarifies Congress' intent that nuclear liabilities be covered by the Price-Anderson Act, and not by bankruptcy laws;

26) Jackson Lee—makes debts arising out of penalties imposed on businesses for false tobacco claims non-dischargeable;

27) Jackson Lee—strikes the bill's means test provision;

28) Woolsey—requires credit counseling agencies to provide free services to recent veterans of the military who served in combat zones;

29) Slaughter—requires credit card companies to determine, before they approve a credit card, whether a student applicant has the financial means to pay off a credit card balance; it restricts the credit limit to minimum balances if the student has no independent income; and it requires parental approval for credit limit increases in the event that a parent cosigns the account;

30) Slaughter—applies the highest median income of any county or Metropolitan Statistical Area in the state to all residents of the state petitioning for bankruptcy protection;

31) Millender-McDonald—provides the bankruptcy courts a higher percentage of the fees collected when a debtor files for bankruptcy;

32) Maloney—ensures that debtors emerging from bankruptcy make child credit payments first, before payments on credit card debt. The current version of the bill does not ensure that child support payments will have priority over the other types of unsecured debts, such as credit card debt;

33) Meehan and Berman—provides a modest homestead exemption for people who have suffered a major illness or injury;

34) Jackson Lee—provides additional protections to debtors who are the victims of identity theft;

35) Jackson Lee—increases the means test limit on parochial school tuition expenses from $1,500 to $3,000, so that families Chapter 13 bankruptcy can keep their children in schools that conform to their deeply held religious beliefs.

Mr. Speaker, the House has adopted a new modus operandi. We saw it earlier this year with the class action bill, and we are seeing it again today.

It seems that if the Republican leadership deems legislation important, and that is their prerogative, it is willing to push through the other body's version without the opportunity for debate here in the people's House on any amendments. This new method does a great disservice to the people of this Nation. Even more, it stops Members, Democrats and Republican, from serving as thoughtful, effective legislators.

The House of Representatives is the people's House. The Founding Fathers envisioned a forum for lively debate on the issues of the day, not the controlled steering of selected legislation with no opportunity for meaningful change.

What also concerns me is the unworkable means test contained in this legislation. I am greatly disturbed, as I know all the residents of south Florida will be, that this means test includes disaster assistance as a source of revenue.

People forced into dire financial circumstances through natural disasters should find bankruptcy a source of relief. Considering disaster assistance as a source of revenue adds insult to injury and contradicts the government's efforts to help people get back on their feet.

This legislation, masquerading as protection against bankruptcy abuse, is really a protection for credit card companies and their predatory lending practices. This legislation does not protect the American people. This legislation protects the credit industry at the expense of the American people.

Increasingly, credit card companies market their product to riskier consumers, and now they want the Congress to protect them from the losses that are the foreseeable result of this ill-sighted business strategy. Why are we not debating legislation that would address those practices, instead of eviscerating a crucial safety net that Americans rely on when all else fails?

Mr. Speaker, should it pass, this bill will severely curtail the ability of Americans to obtain relief from bankruptcy without solving any of its underlying causes. Medical bills, unemployment, and predatory lending practices are at the root of this problem. In the long run, the net effect of this legislation will drive more Americans deeper into financial crisis and weaken our social structure and the Nation's economy.

I will not, and cannot, support such an attack on American consumers. I urge my colleagues to vote ''no'' on this closed rule and ''no'' on S. 256.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

I want to point out, Mr. Speaker, to the gentleman from Florida that medical expenses are specifically covered in the bill, and all other extenuating circumstances are covered in section 102 of the bill allowing judicial latitude.

At this point, I would like to yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Judiciary Committee.

□ 1045

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

I rise in support of the rule for consideration of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. This bill consists of a comprehensive package of reform measures that will improve bankruptcy law and practice by restoring personal responsibility and integrity to the bankruptcy system. It will also ensure that the system is fair for both debtors and creditors.

As we now consider this rule, and the legislation later today, I believe it is particularly important to keep in mind bankruptcy reform's extensive deliberative history before the Committee on Rules, the Committee on the Judiciary, and both bodies of Congress, which I would like to briefly summarize.

First, the bill represents the culmination of nearly 8 years of intense and detailed congressional consideration. The House, for example, has passed prior iterations of this legislation on eight separate occasions. Likewise, the other body has repeatedly registered its strong support for bankruptcy reform. Just last month, the bill passed there 74 to 25, marking the fifth time that body has overwhelmingly adopted bankruptcy reform legislation since 1998.

Second, S. 256 has benefited immensely from an extensive hearing and amendment process, as well as meaningful bipartisan and bicameral negotiations. Over the past four Congresses, the Committee on the Judiciary has held 18 hearings on the need for bankruptcy reform, 11 of which focused on S. 256's predecessors. The Senate Judiciary Committee likewise has held 11 hearings on bankruptcy reform, including a hearing held earlier this year.

In the 105th Congress, 4 days were devoted to the Committee on the Judiciary's markup of bankruptcy reform legislation.

In the 106th Congress alone, the Committee on the Judiciary entertained 59 amendments over the course of a 5-day markup on bankruptcy reform legislation, which included 29 recorded votes. On the floor, 11 more amendments were considered.

In the 107th Congress, the Committee on the Judiciary considered 18 amendments during the course of its markup of bankruptcy reform legislation, and the House, thereafter, considered five amendments.

In the last Congress, the Committee on the Judiciary entertained nine amendments to the bill, and five amendments were considered on the House floor. Also in the last Congress, the Committee on Rules made two amendments in order in connection with a similar bill, addressing bankruptcy reform, which was considered on the floor.

Last month, the Committee on the Judiciary entertained 23 more amendments, each of which has been soundly defeated.

Mr. Speaker, I have over here the paper record of the House consideration of bankruptcy reform legislation over the last four Congresses. Here's the committee report on this bill, over 500 pages long. We have a copy of the House version of the bill, which is over 500 pages long. We have the committee report from 2003. We have a conference report from the 107th Congress. We have a committee report from the 107th Congress. We have a committee report from the 106th Congress. We have a committee report earlier in the 106th Congress, one from the 105th Congress, and then we have a committee report from the 105th Congress on the House side. All of these are debates in the CONGRESSIONAL RECORD when this bill has come up, and we have had conference reports filed, amendments filed, original bills filed.

There has been plenty of process on this legislation. The time to pass it is now, and that is why this rule is coming up in the way it is structured the way it is.

Mr. Speaker, I thank the gentleman for yielding again for the time.

Mr. Speaker, I rise in support of this rule for consideration of S. 256, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005." S. 256 consists of a comprehensive package of reform measures that will improve bankruptcy law and practice by restoring personal responsibility and integrity to the bankruptcy system. It will also ensure that the system is fair for both debtors and creditors.

As we now consider this rule, and the legislation later today, I believe it is particularly important to keep in mind bankruptcy reform's extensive deliberative history before the Rules Committee, the Judiciary Committee, and both bodies of Congress, which I would like to briefly summarize for you.

First, S. 256 represents the culmination of nearly 8 years of intense and detailed congressional consideration. The House, for example, has passed prior iterations of this legislation on eight separate occasions. Likewise, the other body has repeatedly registered its strong support for bankruptcy reform. Just last month, they passed S. 256 by a vote of 74 to 25, making the fifth time that body has overwhelmingly adopted bankruptcy reform legislation since 1998.

Second, S. 256 has benefitted immensely from an exhaustive hearing and amendment process as well as meaningful bipartisan, bicameral negotiations. Over the past four Congresses, the Judiciary Committee held 18 hearings on the need for bankruptcy reform, 11 of which focused on S. 256's predecessors. The Senate Judiciary Committee, likewise, has held 11 hearings on bankruptcy reform, including a hearing held earlier this year.

In the 105th Congress, 4 days were devoted to the Judiciary Committee's mark up of bankruptcy reform legislation. In the 106th Congress alone, the Judiciary Committee entertained 59 amendments over the course of a 5-day markup of bankruptcy reform legislation, which included 29 recorded votes. On the floor, 11 more amendments were considered.

In the 107th Congress, the Judiciary Committee considered 18 amendments during the course of its markup of bankruptcy reform legislation, and the House, thereafter, considered five amendments. In the last Congress, the Judiciary Committee entertained nine amendments to the bankruptcy legislation and 5 amendments were considered on the House floor. Also in the last Congress, the Rules Committee made two amendments in order in connection with a similar bill, addressing bankruptcy reform, which was considered on the floor. Last month, the Judiciary Committee entertained 23 more amendments, each of which was soundly defeated.

Third, it must be remembered that S. 256 is a result of extensive bipartisan and bicameral negotiation and compromise. For example, conferees during the 106th Congress spent nearly 7 months engaged in an informal conference to reconcile differences between the House and Senate passed versions of bankruptcy reform legislation. In the 107th Congress, conferees formally met on three occasions and ultimately agreed—after an 11-month period of negotiations—to a bipartisan conference report. The legislation before us today represents a delicate balance and various compromises that have been struck over the past 7 years.

Fourth, and perhaps most importantly, the need for bankruptcy reform is long-overdue and should not be further delayed. Every day that passes by without these reforms, more abuse and fraud goes undetected.

Mr. Speaker, there simply is no reason to further amend this legislation given its uniquely extensive deliberative record. Those who come to the floor today and complain about lack of

process or the need to further refine this legislation—simply oppose bankruptcy reform. Accordingly, I believe this rule is appropriate, and urge Members to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My respect for the chairman of the Committee on the Judiciary is immense, and he has thrust all of these hearings and all that were in committee where 40 Members of the Committee on the Judiciary had an opportunity to participate.

What we are talking about is today, 35 Members of the House of Representatives, 35 amendments are not being permitted today. So I guess the 40-plus people are the ones who are representing the near 395, 40-plus none for the American people. That would be what I would put on the table from the minority side.

Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), our newcomer, who is making her first statement as a Committee on Rules member.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I rise in opposition to this rule. We have before us a misguided attempt to reform our bankruptcy system. We have heard cries that this system is being abused and is corrupted; and while there is need for reform, the proposal before us today contains a number of unintended consequences, consequences that would deprive consumers of the protection they deserve, hurt children, hurt families and neglect our veterans.

During the Committee on the Judiciary markup, numerous amendments were offered to correct these provisions, yet amendment after amendment was voted down, not on the merits of the amendments but because there was a backroom deal to move this legislation through the House without any changes. The committee held a sham markup.

Again, in the Committee on Rules, a number of amendments were offered to allow a debate on these issues, but not a single one was made in order today. In certain cases, my Republican colleagues acknowledged the merits of the amendments, but maintained it was simply not the time to address the issue. I have to disagree.

I am particularly disappointed that the very reasonable amendment offered by the gentleman from California (Mr. SCHIFF) was not made in order. The amendment is narrowly tailored to exempt from the means test consumers with 51 percent of their debt caused by someone who stole their identity.

This amendment makes sense. I am sure that most everyone at some time in their life has experienced the frustration of losing their wallet. First, you have to call all the credit card companies to cancel service. Then you may have to close and later reopen your checking account. Then you may have to take a trip down to DMV to get a new driver's license. It is an ordeal.

But these days, losing your wallet can even lead to greater problems. To then realize someone racked up thousands of dollars of debt after stealing your identity is just awful. No one should ever have to pay for a crime someone else committed.

Those on the other side of the aisle say they sympathize with the issue and would like to address this matter at some point in the future; but I ask, why do we not do this now? What are we waiting for? What better place to talk about the rights of bankrupted identity theft victims than in the bankruptcy reform bill?

Just yesterday, an article ran in the New York Times about another security breach potentially leaking Social Security numbers, driver's licenses, and addresses of over 300,000 people.

We all see the headlines. Identity theft poses an enormous financial risk to the average American. No one deserves a bill for someone else's crime, but the Republican majority seems to think so. Their legislation would punish the victims of identity theft, and the refusal to adopt this very simple fix raises real questions about who they are fighting for. I believe this amendment is very timely and appreciate the attention the gentleman from California (Mr. SCHIFF) has brought to this issue.

I know this legislation has been around since 1998, but that does not excuse us from being unresponsive to real issues affecting Americans today.

Mr. GINGREY. Mr. Speaker, I yield to myself such time as I may consume.

I want to thank the gentleman from Wisconsin, distinguished chairman of the Committee on the Judiciary, for bringing forth those statistics and that stack of documents that he just went over; and I want to add one more statistic to that, and this is that since the 105th Congress, the House and the Senate have passed bankruptcy reform legislation a dozen times, with a vote tally of 2,455 for and 871 against.

To my distinguished colleague from Florida, in regard to the amendment process in the Committee on Rules, my colleague knows that the other side was offered an amendment in the nature of a substitute. That substitute amendment could have included all 35 Democrats, who my colleagues allege were shut out. Every one of those 35 amendments could have been included in an amendment in the nature of a substitute; but apparently they just could not get their act together, did not have an amendment and passed on that opportunity.

In regard to the gentlewoman from California and the concerns about identity theft, opponents of the means test of the bankruptcy legislation have attempted to claim that a debtor should be except from the means test if the debt is related to identity theft. This is a red herring, Mr. Speaker, because consumers who are victims of identity theft do not owe the debts that result from identity theft; and, therefore, it is not an issue addressed by the bankruptcy court.

We all understand the sentiment of trying to help identity theft victims. Amendments related to identity theft, though, are not necessary. They would inadvertently do serious harm to consumers and create a significant potential for fraud and abuse. A consumer who is victimized when an identity thief establishes credit in the consumer's name is not liable for any of the debts incurred by the identity thief. The maximum amount I think is $50, and that is even waived by the credit card companies if it is proved to be fraudulent. Bankruptcy relief is, therefore, not necessary in regard to identity theft.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume before yielding to the distinguished ranking member to respond to my colleague from Georgia by indicating, the last time I looked at the rules, it allowed that individual Members have a right to make amendments, and we are not required to offer a substitute.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my good friend.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for the time.

The rule we are debating, that we have made today is a closed rule which means that the Members of Congress who brought 35 amendments to the Committee on Rules will not have a chance to bring them up.

This closed rule means that the elected representatives of the people will never have the opportunity to consider the amendments and decide for themselves whether or not they would make the bankruptcy bill a better piece of legislation.

I personally think that amendments protecting our men and women returning from military service in Iraq and Afghanistan would be a good idea, and I feel very strongly that the amendment protecting the victims of identity theft from bankruptcy is an important measure that should be debated on the House floor. After all, Americans are and should be very concerned about identity theft. AARP said it is one of the top five issues concerning seniors today.

Just to give my colleagues an idea of how concerned our fellow Americans should be about this, Lexis-Nexis and GM MasterCard are both recovering from wide-scale security breaches which may have placed millions of

Americans at risk for having their identity stolen. In fact, just 2 days ago, Lexis-Nexis identified more than 300,000 Americans that their personal information may have been stolen. In some cases, it will take those people 6 years to get back their identity. It is a very real problem for our country.

But if my colleagues in the majority do not agree that protecting Americans from identity theft is an important issue, why will they not let the body debate it? If they want to, they can always vote against it. That is the way things are supposed to happen here in a democracy. Instead, they have instituted another closed rule and will not allow us to debate the issues.

This is the fifth Congress that we have debated bankruptcy reform, and we have heard that this morning. To be fair, we have not debated this bill under open rules in the past, but we have certainly debated them under rules that allowed amendments.

This chart shows the number of amendments that the Committee on Rules made in order on this bill in every Congress since the 105th, and I insert in the RECORD at this point a list of the rules.

NUMBER OF AMENDMENTS MADE IN ORDER ON BANKRUPTCY BILLS—105TH–109TH CONGRESS

105th Congress (H. Res. 452)—12 amendments made in order.

106th Congress (H. Res. 158)—11 amendments made in order.

107th Congress (H. Res. 71)—6 amendments made in order.

108th Congress (H. Res. 147)—5 amendments made in order.

109th Congress (H. Res. 211)—Closed Rule, 0 amendments made in order.

This chart shows a disturbing pattern, Mr. Speaker, a pattern that has become common practice here in the House.

□ 1100

In every Congress, Republican leaders have allowed fewer and fewer amendments to be debated. We started at 12 amendments in the 105th Congress; and in the 109th Congress, we have a completely closed rule. Zero amendments are in order. There is less and less democracy in this House, and every Congress fewer voices are being heard on the floor.

The Democrats on the Committee on Rules last month issued a report studying the disturbing trend toward less democracy and deliberation in this House. During this last Congress and this closed rule today convinces me we are only getting worse.

So, Mr. Speaker, I say again we have disallowed the amendments that would have let us make this a better bill, a bill that would protect more vulnerable people in this country, including our soldiers who have returned from Iraq, most of those in the National Guard and Reserves, many of whom are losing their houses because they were called back time and again and were to able to maintain their houses. It is a disgrace we were not allowed to bring that amendment to the floor.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I would like to lay to rest the fact that we have not had a full and complete debate on this.

This year, on March 16, the Committee on the Judiciary had a full markup on this bill. Anybody who wished to offer amendments was allowed to do so. Our committee publishes the complete transcript of markups as a part of the committee report. This transcript goes on for 160 pages in the committee report, which shows that everybody had an opportunity to speak their peace. There were 23 amendments that were offered, and all of them were voted down by overwhelming margins.

Now, amending this bill is what the people who wish no bankruptcy reform have in mind because they know the other body has had difficulty in finding time to debate this bill and vote cloture. The gentlewoman from New York (Ms. SLAUGHTER), whom I greatly respect, has voted against this bill every time it has come up when she has cast a vote in a rollcall. Much of the complaints we are going to be hearing are coming from Members who wish to sink this bill through amendments. They have never supported it in the past. They are against it even if it were amended, and that is why the rule is the way it is.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, while some who file bankruptcy have been financially irresponsible, the overwhelming majority of those who file do so as a result of divorce, major illness, or job loss. Half of those who go into bankruptcy do so because of illness, and most of them had health insurance but still could not pay their bills.

If the purpose of the legislation is to try to deal with those who abuse credit, we ought to be able to distinguish them from the hard-working Americans who unfortunately become ill, those who have an unforeseen loss of a job, or whose spouses desert them after a business failure.

Mr. Speaker, in addition to those who get sick or lose their job, this bill will also hurt small business entrepreneurs. They go into business and consider a risk-benefit ratio that includes the possibility of making a lot of money, but also includes the possibility of losing everything and ending up in bankruptcy. With the passage of this legislation, those entrepreneurs and their families will risk not only losing everything but also being denied a fresh start if the business goes under. They will be stripped down to essentials like food and rent for 5 years, and that is average rent for the area, not what they may have been living in.

Finally, we ought to consider the impact on society of increasing the number of people who conclude that they have nothing to lose. It is ironic that the last time we debated bankruptcy reform on the floor of the House, a farmer had driven his tractor into the pond near the Washington Monument, tying up traffic for a long time. He was quoted as saying, ''I am broke. I am busted. I have the rest of my life to stay here.''

People who feel they have nothing to lose can become dangerous to society. Denying bankruptcy protection to people who need a fresh start will only increase the number of people in our community who feel they have nothing to lose.

This legislation does not differentiate between those who abuse the system and those who deserve a fresh start. This rule does not allow amendments to fix the bill; and, therefore, the rule should be defeated.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

In the 105th Congress, H.R. 3150, bankruptcy reform, passed 306–118.

In the 106th Congress, H.R. 8333 passed the House, 313–108.

In the 107th Congress, H.R. 333 passed the House 306–108.

In the 108th Congress, H.R. 975 passed the House 315–113.

The gentleman from Virginia (Mr. SCOTT) was not one of those voting in the affirmative on any of those occasions, but I want to point out to the gentleman in regard to his concern over medical and health-related expenses for a debtor, spouse, and dependents, on line 23, page 8, continuing through line 10 page 9, this covers the treatment of medical expenses for the debtor, spouse of the debtor, and dependents of the debtor. It expressly includes not just actual medical expenses but expenses for health insurances, disability insurance, and health savings accounts.

Mr. Speaker, put another way, contrary to misrepresentations by opponents, the needs-based test not only takes into account the full range of medical expenses by the debtors, but it also covers the spouse and dependents. This is just one of three provisions for a member of the household or immediate family. The provision includes for the monthly expense of the debtor, expenses incurred for the care and support of an elderly, chronically ill or disabled member of the debtor's immediate family. This includes parents, grandparents, siblings, children and grandchildren of the debtor, among others.

So medical in any situation, Mr. Speaker, medical or otherwise, no debtor is denied access to bankruptcy relief. All S. 256 says is that, in a limited range of cases, a debtor with meaningful capacity to repay may have to file in chapter 13 as opposed to chapter 7. In no case is a debtor denied access to the bankruptcy system.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, the chairman of the Committee on the Judiciary is correct when he says 8 years. I dare say we could spend another 8 years, but given the quality of this bill, given the reality that it imposes no responsibility whatsoever on the credit

card industry, naturally we will be opposed. Responsibility. We hear personal responsibility. What about corporate responsibility? Responsibility is a two-way street.

To get a fair and balanced bill, we need amendments. We need amendments like the one that the gentleman from North Carolina and myself filed which would have limited the interest on credit cards to 75 percent.

Sure, that might have shifted, if you will, some of us to support the bill. But, no, the credit card industry bought and paid for this legislation. Somewhere north of $40 million was part of that effort. Let us not kid ourselves. This bill was written for and by the credit card industry. It has nothing to do with the consumer. But that is why we needed amendments, to make it fair and to make it balanced. Let us not just use those words.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, this is a great day. Not only are we going to be able to see the Nationals play the first home game in 34 years, but we are going to finally pass bankruptcy reform legislation that can get to the President's desk and be signed.

Also, tomorrow many of us are going to be paying our taxes. We have constituents who are complaining justifiably about the high cost of gasoline.

On average, passage of this legislation will save a family of four $400 a year, and $400 a year is a very important amount of money for an awful lot of people in this country, and that is the price that they are paying because of the abuse that we have seen of our bankruptcy law that has been going on for years and years and years.

I happen to believe that it is essential that we provide that $400 in relief to the American people just as quickly as we can. We know, as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, and I congratulate the gentleman for all of the effort that he has put into this, that we for years and years and years have been going through the amendment process. We have had a wide range of concerns brought to the forefront, and we have been able to address them. I believe that we are doing the right thing by moving ahead with this measure.

Mr. Speaker, any Member who votes no on this rule is voting against bankruptcy reform. They are voting against bankruptcy reform. Why? Because it is true 35 amendments were submitted to us in the Committee on Rules. We made it very clear that one of the things that we offered when we came to majority status was the chance to give the minority an opportunity to offer a substitute. The gentleman from Wisconsin (Chairman SENSENBRENNER) came before the Committee on Rules and made it very clear to us. He requested a closed or a modified closed rule.

Let me say, a modified closed rule means that the minority is offered a chance at providing a substitute, cobbling together a package that in fact is an alternative to the measure that we have brought forward.

The minority had an opportunity to do that. What did they choose to do? Members of the minority did not come forward with a substitute. They chose to offer what I describe as cut-and-bite amendments, going through these issues and amending and amending and amending.

Mr. Speaker, we would have made in order a substitute had they given it to us.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I recall yesterday when the death tax repeal was on the floor. It was a similar rule, and the minority was offered a chance to offer a substitute. They offered a substitute which was voted on and debated in the House of Representatives. But that rule passed by voice vote. So the rule under which we considered the death tax repeal yesterday is the same type of rule that we are considering today, except that the minority on this bill decided not to offer a constructive alternative substitute.

Mr. DREIER. Mr. Speaker, reclaiming my time, the chairman of the Committee on the Judiciary is absolutely right. We reported out a modified closed rule that provided the gentleman from North Dakota (Mr. POMEROY) an opportunity to not only offer his substitute, but he could have offered a motion to recommit. So two bites at the apple. The exact same opportunity existed on this bill which has gone through Congress after Congress with an excess of 300 votes in the past.

We said a substitute would have been made in order if it had been submitted to us in the Committee on Rules.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, the gentleman made a statement, if I understand correctly, that passage of this proposal before us today would translate into a savings of $400 for each family in America.

Mr. DREIER. Mr. Speaker, that is absolutely right. If you look at the cost that exists today because of abuse of bankruptcy law, the abusive filings of bankruptcy, there is, on average, for a family of four of $400 per year.

□ 1115

Mr. DELAHUNT. If the gentleman will yield further, the $400 would actually go back to the American family? Is that what the chairman is suggesting?

Mr. DREIER. If I could reclaim my time, what I am suggesting is that because of abuse of bankruptcy filings that take place today, that is a cost that is imposed on American consumers to the average family of four of in excess of $400.

That is the reason it is absolutely essential, Mr. Speaker, that we pass this legislation.

Mr. DELAHUNT. Will the gentleman yield further?

Mr. DREIER. I have yielded three times. If I could finish my statement, I would like to. We have other people who would like to participate. I know that my dear friend from Florida (Mr. HASTINGS) will be more than happy to yield further time to the gentleman from Massachusetts.

Mr. Speaker, we have been waiting for years and years and years to get to the point where we could get a measure to the desk of the President of the United States so that he can sign it, so that we can deal with this issue and finally bring about responsible reform of our bankruptcy law.

We happen to believe very passionately that people should be accountable for their actions. We do not want anyone to be deprived of access to file for bankruptcy, but we know full well that this has been abused for such a long period of time. That is why we are here today and that is why I am convinced, Mr. Speaker, that even though we will see opposition to this rule, at the end of the day, we will see very strong bipartisan support to reform our bankruptcy law.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, with that generous yielding, I would like to yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I would like to respond very quickly. If medical expenses wipe you out and you cannot pay them, under this bill you cannot get into chapter 7 if you can pay $166 a month on your bills, however much they are. There could be hundreds of thousands of dollars that you could never pay.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Mr. Speaker, I rise today to answer my good friend, the chairman of the Committee on Rules, to simply say the reason why a substitute was not offered is because the bankruptcy code as it now stands addresses the needs of the American people. It is interesting that the Republicans want to tell us what kind of amendment to offer when we had 35 amendments that would have protected the American people.

Mr. Speaker, I am outraged because the bankruptcy bill stabs the American people in the back. The reason why I say that is because we have a bankruptcy code that allows for the discretion of the judiciary in the bankruptcy courts to be able to determine whether your case is frivolous.

But now we have put in place what we call a means test which indicates that hardworking American families, middle-class families who have faced catastrophic illnesses, divorce, loss of job in this horrible economy, these individuals will be barred from entering the bankruptcy court because they do not meet the IRS guidelines. Who wants to meet the IRS guidelines? We already know what the Internal Revenue Service will do to you. All we wanted to do is to give more leeway.

If you listen to Professor Elizabeth Warren of Harvard University, she will tell you that the time for the bankruptcy bill has long passed. It is an 8-year-old bill that was written more than 8 years ago. Now we find that more consumer bankruptcies have declined. There are less consumer bankruptcies. But if you look at what the President is going to do with Social Security and take so much money out of our economy and break the American people, you are going to see an upsurge. But what you are going to see is the American people, because of this bankruptcy bill, losing their house, pulling their children out of school, not being able to make ends meet. It is an outrage. This rule should be defeated because the American people are being stabbed in the back. It is a disgrace.

I ask for a ''no'' vote on the rule.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentlewoman from Texas, Mr. Speaker, a substitute amendment was offered in every other Congress that bankruptcy reform was considered. Every other Congress in which bankruptcy reform was considered, the minority submitted a substitute amendment. Why not now? I have asked that question several times, and I still have no answer.

In regard to health care expenses, and I am reading from a March 29, 2005, CRS report for Congress titled ''Treatment of Health Care Expenses under the Bankruptcy Abuse Prevention and Consumer Protection Act'':

''Conclusion. Health care expenses will generally be considered in one of two contexts in a bankruptcy filing. Significant expenses incurred prior to the bankruptcy filing may be calculated as unsecured claims; if the debtor cannot afford to pay 25 percent of unsecured claims or $100 a month, the debtor may be eligible to file under chapter 7.

''Ongoing health care expenses and health insurance premiums may be deducted from the debtor's monthly income. Factoring in these expenses may also reduce the debtor's disposable income under the means test.''

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in strong opposition to this unfair, undemocratic closed rule and to the underlying bankruptcy bill. This lopsided bill will make it harder for families and seniors with debt problems arising from high medical expenses, job loss, divorce, or other financial hardships to address their problems while doing nothing to rein in the credit card companies whose practices have led to much of the rise in bankruptcies.

S. 256 presumes that bankruptcy filers are simply bankruptcy abusers looking to game the system and avoid paying their bills, ignoring the clear evidence that the overwhelming majority of people in bankruptcy are in financial distress because of job loss, medical expense, divorce, or a combination of these causes.

Mr. Speaker, an important and controversial bill like the bankruptcy bill deserves a real debate. Members deserve the opportunity to consider a wide range of amendments. For the Republican leadership and the Republican members of the Committee on Rules to propose that we consider a bill that is tilted toward the credit card companies and as complex as this bill is without giving Members any opportunity to amend it on the floor with only 30 minutes per side for general debate is a travesty and a gross abuse of power.

When this bill was in the Committee on the Judiciary, we had a pseudo-markup that lasted all day and was a complete embarrassment and a waste of time for all of the members, for the Republicans would not even consider one amendment, no matter how meritorious or beneficial to the American people, even if the amendment addressed issues not previously considered because of the Republican leadership's insistence on reporting out a clean bill in order to avoid a conference committee.

As a result, important, thoughtful amendments on such subjects as protection on domestic violence victims from eviction, disabled veterans, alimony and child support, exemptions for medical emergencies and job loss, underage credit card lending, and a homestead exemption for seniors, predatory lending and payday loans all were rejected by the Committee on the Judiciary.

Shame on you Republicans.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my friend, the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding me this time and for his leadership.

Mr. Speaker, I rise in opposition to this rule and to this morally bankrupt bill that puts corporate greed over fairness for ordinary folks. This bill takes the phrase ''kick them when they are down'' to a whole new level. What about the fact that half of the people who file for bankruptcy protection are forced to do so because of high medical costs, loss of a job, or scam loan sharks? This bill would say to these people, the answer is, of course, too bad.

Make no mistake, Mr. Speaker, this bill is a big-time corporate payoff that was drafted with one overriding goal in mind, that is, profits, profits, profits.

I am all for curbing abuses in bankruptcy and would suggest that we start by closing bankruptcy loopholes for millionaires and taking steps to address predatory lending and payday loans rather than a one-sided, harsh industry payoff. This bill should include real solutions to address the really hard problems fueling the financial difficulties so many in this Nation are facing. We should focus on the true abusers and not the working families that have played by the rules.

Mr. Speaker, we need to have a bankruptcy bill that addresses the real abusers. This is a morally bankrupt bill.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute.

The gentlewoman from California brought up the issue about bankruptcy reform harming veterans. In speaking to that, Senate 256 needs-based test includes several safeguards and exceptions for special circumstances, including those of veterans: a specific reference to a debtor who is subject to a call or ordered to active duty in the Armed Forces to the extent that such occurrences substantiate special circumstances.

S. 256 means test has a special exception just for debtors who are disabled veterans if the indebtedness occurred primarily during a period when the debtor was on active duty or performing a homeland security activity. The bill excuses a debtor if he or she is on active military duty in a military combat zone from the mandatory credit counseling and financial management training requirements.

I could go on and on, Mr. Speaker; but we are addressing, as we always have on this side of the aisle, the special needs of our great veterans of this country.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this rule. There is much that should be law in this bill; but as written, it should not pass. If this bill becomes law, children will have to compete for the first time with credit card companies in State court for the limited assets of debtors emerging from the bankruptcy process.

I believe that there are many good parts of this bill; but as a mother I came to Congress to protect the rights of children, not to make their interests second to those of credit card companies. Congress has always insisted that debtors should take care of their children before their credit cards, and we

should not undermine this important family value.

I am a strong supporter of the netting provisions of the bill. These provisions provide for the orderly unwinding of complex financial transactions when one participant becomes insolvent. Alan Greenspan has said these provisions reduce uncertainty for market participants and reduce risk by making it less likely that the default of one financial institution would have a domino effect on others. I support this; and as a New Yorker, I am really concerned that these provisions go into effect to protect the financial sector in the event of another terrorist attack. And I agree we need to build savings.

But these positive aspects of the bill are outweighed by an unacceptable feature that the majority has refused to address, the fact that the bill pits child support claimants against credit card companies in State court for the assets that the debtor has when she or he goes into bankruptcy. In other words, kids will lose.

I offered an amendment to address this, but the Committee on Rules did not make it in order. They did not make other important amendments that would protect victims of medical catastrophes, of identity theft and many others. This is very, very important. The sponsors say that they take care of this, but none of their steps address the new threat created by the bill to protect children from having to fight credit card companies in State court. We have never done this before. We should not leave this as a legacy of this Congress. We can get this right. We should have put children first. We must vote against this rule and the bill.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute.

In response to the gentlewoman, I have got a letter from the National Child Support Enforcement Association, February 8, 2005, that I will insert for printing in the RECORD.

Let me just read one paragraph, the first and most important:

''The National Child Support Enforcement Association is a membership organization representing the child support community—a workforce of over 63,000 child support professionals. For the past 5 years, it has strongly supported the enactment of bankruptcy reform because the treatment of child support and alimony under present bankruptcy law so desperately needs reform. We applaud your continuing efforts since the mid-1990s to reform the bankruptcy system and welcome your introduction of S. 256. The bankruptcy bill, S. 256, like the reform bills of the last three Congresses and the signed conference report of 2002, includes provisions crucial to the collection of child support during bankruptcy.''

NATIONAL CHILD SUPPORT ENFORCEMENT ASSOCIATION,
Washington, DC, Feb. 8, 2005.

Re: Child Support Provisions in S. 256

Hon. CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: The National Child Support Enforcement Association is the membership organization representing the child support community—a workforce of over 63,000 child support professionals. For the past 5 years it has strongly supported the enactment of bankruptcy reform because the treatment of child support and alimony under present bankruptcy law so desperately needs reform. We applaud your continuing efforts since the mid 1990s to reform the bankruptcy system and welcome your introduction of S. 256. The Bankruptcy Bill, S. 256, like the reform bills of the last three Congresses and the signed conference report of 2002, includes provisions crucial to the collection of child support during bankruptcy.

With each day that passes under current law, countless numbers of children of bankruptcy debtors are subject to immediate interruption of their on-going support payments. In addition, during the lengthy 3 to 5 years duration of consumer bankruptcies as they happen every day under present law, debtors often succeed in significantly delaying or even avoiding repayment of child support and alimony arrearages altogether. Hardest hit by these effects of current bankruptcy law are former recipients of welfare who are owed support arrears but are stuck waiting until the bankruptcy is completed before such debts can be collected. Families who are dependent on obtaining their share of marital property for survival may now find under present bankruptcy law that such debts are discharged. And, worst of all, under present law significant collection tools used to require the payment of current child support needed by the custodial parent to feed and clothe children may be rendered ineffective after a bankruptcy petition is filed. Today, a bankruptcy filing may delay or halt the collection of support debts through the federally mandated earnings withholding and tax refund intercept programs, the license and passport revocation procedures, and the credit reporting mandates.

S. 256 would provide these children with first priority in the collection of support debts, allow the enforcement of medical support obligations, prevent any interruption in the otherwise efficient process of withholding earnings for payment of child support, and insure that during the course of a consumer bankruptcy all support owed to the family would be paid, and paid timely. It will allow state court actions involving custody and visitation, dissolution of marriage, and domestic violence to proceed without interference from bankruptcy court litigation.

We, therefore, urge the members of the Conference Committee and the leadership of Congress to enact this important piece of legislation with its long overdue bankruptcy reforms.

Sincerely,

MARGOT BEAN,
President. National Child Support Enforcement Association

□ 1130

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 seconds to the gentlewoman from New York (Mrs. MALONEY) for the purpose of making a unanimous consent request.

Mrs. MALONEY. Mr. Speaker, I request permission to place in the RECORD, in response to this statement, statements by Bar Associations across this country, women's organizations, women's legal defense, asserting what I have said that children are put second to credit card companies.

The material referred to is as follows:

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, March 14, 2005.

Re: Oppose H.R. 685, The Bankruptcy Act of 2005

Hon. JOHN CONYERS, Jr.,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CONYERS: The National Women's Law Center is writing to urge you to oppose H.R. 685, a bankruptcy bill that is harsh on economically vulnerable women and their families, but that fails to address serious abuses of the bankruptcy system by perpetrators of violence against patients and health care professionals at women's health care clinics.

This bill would inflict additional hardship on over one million economically vulnerable women and families who are affected by the bankruptcy system each year: those forced into bankruptcy because of job loss, medical emergency, or family breakup—factors which account for nine out of ten filings—and women who are owed child or spousal support by men who file for bankruptcy. Contrary to the claims of some proponents of the bill, low- and moderate-income filers—who are disproportionately women—are not protected from most of its harsh provisions, and mothers owed child or spousal support are not protected from increased competition from credit card companies and other commercial creditors during and after bankruptcy that will make it harder for them to collect support.

The bill would make it more difficult for women facing financial crises to regain their economic stability through the bankruptcy process. H.R. 685 would make it harder for women to access the bankruptcy system, because the means test requires additional paperwork of even the poorest filers; harder for women to save their homes, cars, and essential household items through the bankruptcy process; and harder for women to meet their children's needs after bankruptcy because many more debts would survive.

The bill also would put women owed child or spousal support who are bankruptcy creditors at a disadvantage. By increasing the rights of many other creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up an intensified competition for scarce resources between mothers and children owed support and these commercial creditors during and after bankruptcy. The domestic support provisions in the bill may have been intended to protect the interests of mothers and children; unfortunately, they fail to do so.

Moving child support to first priority among unsecured creditors in Chapter 7 sounds good, but is virtually meaningless; even today, with no means test limiting access to Chapter 7, fewer than four percent of Chapter 7 debtors have anything to distribute to unsecured creditors. In Chapter 13, the bill would require that larger payments be made to many commercial creditors; as a result, payments of past-due child support would have to be made in smaller amounts and over a longer period of time, increasing the risk that child support debts will not be paid in full. And, when the bankruptcy process is over, women and children owed support would face increased competition from commercial creditors. Under current law, child and spousal support are among the few debts that survive bankruptcy; under this bill,

many additional debts would survive. But once the bankruptcy process is over, the priorities that apply during bankruptcy have no meaning or effect. Women and children owed support would be in direct competition with the sophisticated collection departments of commercial creditors whose surviving claims would be increased.

At the same time, the bill fails to address real abuses of the bankruptcy system. Perpetrators of violence against patients and health care professionals at women's health clinics have engaged in concerted efforts to use the bankruptcy system to evade responsibility for their illegal actions. This bill does nothing to curb this abuse.

The bill is profoundly unfair and unbalanced. Unless there are major changes to H.R. 685, we urge you to oppose it.

Very truly yours,

NANCY DUFF CAMPBELL,
Co-President.
MARCIA GREENBERGER,
Co-President.
JOAN ENTMACHER,
Vice President and Director, Family Economic Security.

LEGAL MOMENTUM,
Washington, DC, February 28, 2005.

DEAR SENATOR: Legal Momentum is writing to you today to urge you to oppose S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Legal Momentum is a leading national not-for-profit civil rights organization with a long history of advocating for women's rights and promoting gender equality. Among our major goals is securing economic justice for all. In this regard we have worked to end poverty; improve welfare reform; create affordable, quality childcare and guarantee workplace protections for survivors of domestic violence. The bankruptcy system is another crucial safety net for women, and Legal Momentum is concerned that the changes to the bankruptcy system proposed in S. 256 would be harmful to the economic security of women and families. In addition, the legislation fails to hold perpetrators of violence against workers and patients of women's health care clinics accountable for their actions.

The large majority of women who file for bankruptcy do so because of unemployment, medical bills, divorce, or because they are owed child support by men who file for bankruptcy. And because women are more likely to be caring for dependent children or parents *and* have lower incomes and fewer assets than men, they are more likely to seek bankruptcy as a result of a divorce or a medical problem. In 2001, women represented 39% of households filing for bankruptcy, while men filing independently represented only 29%. Married couples represented 32%. Single mothers are the group most at risk for bankruptcy—in the last 20 years, bankruptcy filings for female-headed households have increased at more than double the rate of bankruptcies in other households. This legislation will make it more difficult for women already struggling to achieve economic independence to access the bankruptcy system. The proposed means test will make filing for bankruptcy more complex, it will be more difficult to keep homes and cars from being repossessed, and even if a bankruptcy is successfully filed, more debts will main.

Even the child support provisions in the legislation will not help women and children. If the parent who owes child support is the debtor, the bill will divert more money to other creditors and allow more non-child support debts to survive bankruptcy. As a result, the custodial parent, usually the mother, will have to compete with other creditors, including credit card companies, for the debtor's limited income.

Legal Momentum is concerned that, unlike in the conference report of last year's bankruptcy legislation, S. 256 does not include a provision to prevent perpetrators of clinic violence from declaring bankruptcy to avoid responsibility for their actions against patients and health care providers. Please include language that would insure that these perpetrators of violence cannot use the bankruptcy system to protect themselves. The pocketbooks of violent offenders are protected, while hardworking women struggling to make ends meet and feed their families are denied access to a system that could help and provide them with hope for the future.

Legal Momentum believes that if S. 256 is enacted, the economic effects on more than 1.2 million women each year will be devastating, and we strongly urge you to oppose the legislation. If you have any questions, please contact Legal Momentum's Policy Office at 202/326–0044.

Sincerely

LISALYN R. JACOBS,
Vice President for Government Relations.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, March 14, 2005.

OPPOSE UNFAIR BANKRUPTCY ''REFORM''

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil rights coalition, we write to express our strong opposition to the ''Bankruptcy Abuse Prevention and Consumer Protection Act of 2005'' (H.R. 685). We urge you to oppose H.R. 685 because it poses significant concerns for the economic self-sufficiency of all working people in the United States and will cause substantial financial inequities in the process.

The issue of bankruptcy reform is of profound concern to LCCR because, as a general matter, disadvantaged groups in our society disproportionately find themselves in bankruptcy courts as a result of economic discrimination in its many forms. For example:

Divorced women are 300 percent more likely than single or married women to find themselves in bankruptcy court following the cumulative effects of lower wages, reduced access to health insurance, the devastating consequences of divorce, and the disproportionate financial strain of rearing children alone;

Since 1991, the number of older Americans filing for bankruptcy has grown by more than 120 percent. This age group tends to file after being pushed out of jobs and encountering discrimination in hiring, which could result in loss of health insurance, or victimization by credit scams or home improvement frauds that put their homes and security at risk, and;

African American and Hispanic American homeowners are 500 percent more likely than white homeowners to find themselves in bankruptcy court largely due to discrimination in home mortgage lending and housing purchases, and to inequalities in hiring opportunities, wages, and health insurance coverage.

H.R. 685 proposes a number of changes in current bankruptcy law, and supporters claim that enactment is thereby necessary to stop abuse of bankruptcy laws. Yet a majority of those who file are working families who are not abusing the system; instead, they have experienced financial catastrophe. H.R. 685 would make starting over virtually impossible.

In addition, hundreds of thousands of women and children who are owed child support or alimony would be harmed under H.R. 685, as it forces them to compete with credit card issuers and therefore would make it less likely that support payments will be made to those in need. H.R. 685 will also make it much more difficult for businesses to reorganize, thereby forcing them into bankruptcy and eliminating much needed jobs.

H.R. 685 also fails to address one of the key reasons that bankruptcy filings have increased in recent years—a reason that is the willful doing of many of the financial institutions that are lobbying in support of the bill—the aggressive marketing of credit cards to our most financially vulnerable citizens, such as women, students, seniors, and the working poor. According to a recent article in the Washington Post, credit card companies continue to offer credit in record amounts, in an aggressive campaign to saddle more Americans with debts. (Kathleen Day, Tighter Bankruptcy Law Favored, Washington Post, February 11, 2005 at A–05). Yet these same companies have steadfastly resisted even the most modest reforms to help consumers avoid placing themselves in financial jeopardy in the first place, such as requiring clearer disclosure about late payment fees, interest rates, and minimum payments.

LCCR has opposed bankruptcy reform proposals similar to H.R. 685 every year since 1998. Sadly, bankruptcy reform proponents are now pushing legislation that is every bit as flawed as previous legislation and, given today's slow economy, would lead to even more inequitable results. We strongly urge you to reject H.R. 685 because it would radically alter the bankruptcy system in a way that imposes hardships particularly on the most vulnerable among us.

Thank you for your consideration. If you have any questions, please feel free to contact Rob Randhava, LCCR Counsel, at (202) 466–6058.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

WRITTEN STATEMENT OF MARSHALL WOLF, MAY 13, 1998, ON BEHALF OF THE GOVERNING COUNCIL OF THE FAMILY LAW SECTION OF THE AMERICAN BAR ASSOCIATION

* * * earlier version of this legislation concluded that ''child support and credit card obligations could be 'pitted against' one another. . . . Both the domestic creditor and the commercial credit card creditor could pursue the debtor and attempt to collect from post-petition assets, but not in the bankruptcy court.''

Outside of the bankruptcy court is precisely the arena where sophisticated credit card companies have the greatest advantages. While federal bankruptcy court enforces a strict set of priority and payment rules generally seeking to provide equal treatment of creditors with similar legal rights, state law collection is far more akin to ''survival of the fittest.'' Whichever creditor engages in the most aggressive tactic—be it through repeated collection demands and letters, cutting off access to future credit, garnishment of wages or foreclose on assets—is most likely to be repaid. As Marshall Wolf has written on behalf of the Governing Counsel of the Family Law Section of the American Bar Association, ''if credit card debt is added to the current list of items that are now not dischargeable after a bankruptcy of a support payer, the alimony and child support recipient will be forced to compete with the well organized, well financed, and obscenely profitable credit card companies to receive payments from the limited income of the poor guy who just went through a bankruptcy. It is not a fair fight and it is one that women and children who rely on support will lose.''

It is for these reasons that groups concerned with the payment of alimony and child support have expressed their strong opposition to the bill and its predecessors. Professor Karen Gross of New York Law School stated succinctly that ''the proposed legislation does not live up to its billing; it fails to protect women and children adequately.'' Joan Entmacher, on behalf of the National Women's Law Center, testified that ''the child support provisions of the bill fail to ensure that the increased rights the bill would give to commercial creditors do not come at the expense of families owed support.''

Assertions by the legislation's supporters that any disadvantages to women and children under S. 256 are offset by supposedly pro-child support provisions are not persuasive. It is useful to recall the context in which these provisions were added. In the 105th Congress, the bill's proponents adamantly denied that the bill created any problems with regard to alimony and child support. Although the proponents have now changed course, the child support and alimony provisions included do not respond to the provisions in the bill causing the problem—namely the provisions limiting the ability of struggling, single mothers to file for bankruptcy; enhancing the bankruptcy and post-bankruptcy status of credit card debt; and making it more difficult for debtors * * *

———

MARCH 11, 2005.

Re The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (H.R. 685/S. 256).

Hon. F. JAMES SENSENBRENNER,

Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN CONYERS, Jr.,

Ranking Democratic Member, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

We are professors of bankruptcy and commercial law. We are writing with regard to The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (H.R. 685/S. 256)(the ''bill''). We have been following the bankruptcy reform process for the last eight years with keen interest. The 110 undersigned professors come from every region of the country and from all major political parties. We are not members of a partisan, organized group. Our exclusive interest is to seek the enactment of a fair, just and efficient bankruptcy law. Many of us have written before to express our concerns about earlier versions of this legislation, and we write again as yet another version of the bill comes before you. The bill is deeply flawed, and will harm small businesses, the elderly, and families with children. We hope the House of Representatives will not act on it.

It is a stark fact that the bankruptcy filing rate has slightly more than doubled during the last decade, and that last year approximately 1.6 million households filed for bankruptcy. The bill's sponsors view this increase as a product of abuse of bankruptcy by people who would otherwise be in a position to pay their debts. Bankruptcy, the bill's sponsor says, has become a system ''where deadbeats can get out of paying their debt scott-free while honest Americans who play by the rules have to foot the bill.''

We disagree. The bankruptcy filing rate is a symptom. It is not the disease. Some people do abuse the bankruptcy system, but the overwhelming majority of people in bankruptcy are in financial distress as a result of job loss, medical expense, divorce, or a combination of those causes. In our view, the fundamental change over the last ten years has been the way that credit is marketed to consumers. Credit card lenders have become more aggressive in marketing their products, and a large, very profitable, market has emerged in subprime lending. Increased risk is part of the business model. Therefore, it should not come as a surprise that as credit is extended to riskier and riskier borrowers, a greater number default when faced with a financial reversal. Nonetheless, consumer lending remains highly profitable, even under current law.

The ability to file for bankruptcy and to receive a fresh start provides crucial aid to families overwhelmed by financial problems. Through the use of a cumbersome, and procrustean means-test, along with dozens of other measures aimed at ''abuse prevention,'' this bill seeks to shoot a mosquito with a shotgun. By focusing on the opportunistic use of the bankruptcy system by relatively few ''deadbeats'' rather than fashioning a tailored remedy, this bill would cripple an already overburdened system.

1. The Means-test: The principal mechanism aimed at the bankruptcy filing rate is the so called ''meanstest,'' which denies access to Chapter 7 (liquidation) bankruptcy to those debtors who are deemed ''able'' to repay their debts. The bill's sponsor describes the test as a ''flexible . . . test to assess an individual's ability to repay his debts,'' and as a remedy to ''irresponsible consumerism and lax bankruptcy law.'' While the stated concept is fine—people who can repay their debts should do so—the particular mechanism proposed is unnecessary, over-inclusive, painfully inflexible, and costly in both financial terms and judicial resources.

First, the new law is unnecessary. Existing section 707(b) already allows a bankruptcy judge, upon her own motion or the motion of the United States Trustee, to deny a debtor a discharge in Chapter 7 to prevent a ''substantial abuse.'' Courts have not hesitated to deny discharges where Chapter 7 was being used to preserve a well-to-do lifestyle, and the United States Trustee's office has already taken it upon itself to object to discharge when, in its view, the debtor has the ability to repay a substantial portion of his or her debts.

Second, the new means-test is over-inclusive. Because it is based on income and expense standards devised by the Internal Revenue Service to deal with tax cheats, the principal effect of the ''means-test'' would be to replace a judicially supervised, flexible process for ferreting out abusive filings with a cumbersome, inflexible standard that can be used by creditors to impose costs on overburdened families, and deprive them of access to a bankruptcy discharge. Any time middle-income debtors have $100/month more income than the IRS would allow a delinquent taxpayer to keep, they must submit themselves to a 60 month repayment plan. Such a plan would yield a mere $6000 for creditors over five years, less costs of government-sponsored administration.

Third, to give just one example of its inflexibility, the means-test limits private or parochial school tuition expenses to $1500 per year. According to a study by the National Center for Educational Statistics, even in 1993, $1500 would not have covered the average tuition for any category of parochial school (except Seventh Day Adventists and Wisconsin Synod Lutherans). Today it would not come close for any denomination. In order to yield a few dollars for credit card issuers, this bill would force many struggling families to take their children from private or parochial school (often in violation of deeply held religious beliefs) for three to five years in order to confirm a Chapter 13 plan.

Fourth, the power of creditors to raise the ''abuse'' issue will significantly increase the number of means-test hearings. Again, the expense of the hearings will be passed along to the already strapped debtor. This will add to the cost of filing for bankruptcy, whether the filing is abusive or not. It will also swamp bankruptcy courts with lengthy and unnecessary hearings, driving up costs for the taxpayers.

Finally, the bill takes direct aim at attorneys who handle consumer bankruptcy cases by making them liable for errors in the debtor's schedules.

Our problem is not with means-testing per se. Our problem is with the collateral costs that this particular means-test would impose. This is not a typical means test, which acts as a gatekeeper to the system. It would instead burden the system with needless hearings, deprive debtors of access to counsel, and arbitrarily deprive families of needed relief. The human cost of this delay, expense, and exclusion from bankruptcy relief is considerable. As a recent study of medical bankruptcies shows, during the two years before bankruptcy, 45% of the debtors studied had to skip a needed doctor visit. Over 25% had utilities shut off, and nearly 20% went without food. If the costs of bankruptcy are higher, the privations will increase. The vast majority of individuals and families that file for bankruptcy are honest but unfortunate. The main effect of the means-test, along with the other provisions discussed below, will be to deny them access to a bankruptcy discharge.

2. Other Provisions That Will Deny Access to Bankruptcy Court: The means-test is not the only provision in the bill which is designed to limit access to the bankruptcy discharge. There are many others. For example:

Sections 306 and 309 of the bill (working together) would eliminate the ability of Chapter 13 debtors to ''strip down'' liens on personal property, in particular their car, to the value of the collateral. As it is, many Chapter 13 debtors are unable to complete the schedule of payments provided for under their plan. These provisions significantly raise the cash payments that must be made to secured creditors under a Chapter 13 plan. This will have a whipsaw effect on many debtors, who, forced into Chapter 13 by the means-test, will not have the income necessary to confirm a plan under that Chapter. This group of debtors would be deprived of any discharge whatsoever, either in Chapter 7 or Chapter 13. In all cases this will reduce payments to unsecured creditors (a group which, ironically, includes many of the sponsors of this legislation).

Section 106 of the bill would require any individual debtor to receive credit counseling from a credit counseling agency within 180 days prior to filing for bankruptcy. While credit counseling sounds benign, recent Senate hearings with regard to the industry have led Senator Norm Coleman to describe the credit counseling industry as a network of not for profit companies linked to for-profit conglomerates. The industry is plagued with ''consumer complaints about excessive fees, pressure tactics, nonexistent counseling and education, promised results that never come about, ruined credit ratings, poor service, in many cases being left in worse debt than before they initiated their debt management plan.'' Mandatory credit counseling would place vulnerable debtors at the mercy of an industry where, according to a recent Senate investigation, many of the ''counselors'' are seeking to profit from the misfortune of their customers.

Sections 310 and 314 would significantly reduce the ability of debtors to discharge credit card debt and would reduce the scope of the fresh start, for even those debtors who are able to gain access to bankruptcy.

The cumulative effect of these provisions, and many others contained in the bill (along

with the means-test) will be to deprive the victims of disease, job loss, and divorce of much needed relief.

3. The Elusive Bankruptcy Tax?: The bill's proponents argue that it is good for consumers because it will reduce the so-called ''bankruptcy tax.'' In their view, the cost of credit card defaults is passed along to the rest of those who use credit cards, in the form of higher interest rates. As the bill's sponsor dramatically puts it: ''honest Americans who play by the rules have to foot the bill.'' This argument seems logical. However, it is not supported by facts. The average interest rate charged on consumer credit cards has declined considerably over the last dozen years. More importantly, between 1992 and 1995, the spread between the credit card interest rate and the risk free six-month t-bill rate declined significantly, and remained basically constant through 2001. At the same time, the profitability of credit card issuing banks remains at near record levels.

Thus, it would appear that hard evidence of the so-called ''bankruptcy tax'' is difficult to discern. That the unsupported assertion of that phenomenon should drive Congress to restrict access to the bankruptcy system, which effectuates Congress's policies about the balance of rights of both creditors and debtors, is simply wrong.

4. Who Will Bear the Burden of the Means-test? The bankruptcy filing rate is not uniform throughout the country. In Alaska, one in 171.2 households files for bankruptcy. In Utah the filing rate is one in 36.5. The states with the ten highest bankruptcy filing rates are (in descending order): Utah, Tennessee, Georgia, Nevada, Indiana, Alabama, Arkansas, Ohio, Mississippi, and Idaho. The deepest hardship will be felt in the heartland, where the filing rates are highest. The pain will not only be felt by the debtors themselves, but also by the local merchants, whose customers will not have the benefit of the fresh start.

The fastest growing group of bankruptcy filers is older Americans. While individuals over 55 make up only about 15% of the people filing for bankruptcy, they are the fastest growing age group in bankruptcy. More than 50% of those 65 and older are driven to bankruptcy by medical debts they cannot pay. Eighty-five percent of those over 60 cite either medical or job problems as the reason for bankruptcy. Here again, abuse is not the issue. The bankruptcy filing rate reveals holes in the Medicare and Social Security systems, as seniors and aging members of the baby-boom generation declare bankruptcy to deal with prescription drug bills, co-pays, medical supplies, long-term care, and job loss.

Finally, it is crucial to recognize that the filers themselves are not the only ones to suffer from financial distress. They often have dependents. As it turns out, families with children single mothers and fathers, as well as intact families—are more likely to file for bankruptcy than families without them. In 2001, approximately 1 in 123 adults filed for bankruptcy. That same year, 1 in 51 children was a dependent in a family that had filed for bankruptcy. The presence of children in a household increases the likelihood that the head of household will file for bankruptcy by 302%. Limiting access to Chapter 7 will deprive these children (as well as their parents) of a fresh start.

Conclusion: The bill contains a number of salutary provisions, such as the proposed provisions that protect consumers from predatory lending. Our concern is with the provisions addressing ''bankruptcy abuse.'' These provisions are so wrongheaded and flawed that they make the bill as a whole unsupportable. We urge you to either remove these provisions or vote against the bill.

Sincerely,

Richard I. Aaron, S.J. Quinney College of Law, University of Utah.

Peter Alexander, Dean and Professor of Law, Southern Illinois University—Carbondale School of Law.

Thomas B. Allington, Professor of Law, Indiana University School of Law—Indianapolis.

Ralph C. Anzivino, Professor of Law, Marquette University School of Law,

Allan Axelrod, Brennan Professor of Law (emeritus), Rutgers-Newark Law School.

Douglas G. Baird, Professor of Law, University of Chicago Law School.

Patrick B. Bauer, Professor of Law, University of Iowa.

Robert J. Bein, Adjunct Professor of Law, The Dickinson School of Law of the Pennsylvania State University.

Carl S. Bjerre, Associate Professor of Law, University of Oregon School of Law.

Susan Block-Lieb, Professor of Law, Fordham Law School.

Amelia H. Boss, Professor of Law, Temple University School of Law.

Kristin Kalsem Brandser, Associate Professor of Law, University of Cincinnati College of Law.

Jean Braucher, Roger Henderson Professor of Law, University of Arizona.

Ralph Brubaker, Professor of Law and Mildred Van Voorhis Jones, Faculty Scholar, University of Illinois College of Law.

Mark E. Budnitz, Professor of Law, Georgia State University College of Law.

Daniel Bussel, Professor of Law, UCLA School of Law.

Bryan Camp, Professor of Law, Texas Tech University School of Law.

Dennis Cichon, Professor of Law, Thomas Cooley Law School.

Donald F. Clifford, Jr., Aubrey Brooks Professor Emeritus, University of North Carolina School of Law.

Neil B. Cohen, Professor of Law, Brooklyn Law School.

Andrea Coles-Bjerre, Assistant Professor, University of Oregon School of Law.

Corinne Cooper, Professor Emerita of Law, University of Missouri, Kansas City.

Marianne B. Culhane, Professor of Law, Creighton Univ. School of Law.

Susan L. DeJarnatt, Associate Professor of Law, Beasley School of Law of Temple University.

Paulette J. Delk, Associate Professor, Cecil C. Humphreys School of Law, The University of Memphis.

A. Mechele Dickerson, 2004–2005 Cabell Research Professor of Law, William and Mary Law School.

W. David East, Professor of Law, South Texas College of Law.

Thomas L. Eovaldi, Professor of Law Emeritus, Northwestern University School of Law.

Mary Jo Eyster, Associate Professor of Clinical Law, Brooklyn Law School.

Adam Feibelman, Associate Professor, University of North Carolina.

Paul Ferber, Professor of Law, Vermont Law School.

Jeffrey Ferriell, Professor of Law, Capital University School of Law.

Larry Garvin, Associate Professor of Law, Michael E. Moritz College of Law, Ohio State University.

Michael Gerber, Professor of Law, Brooklyn Law School.

S. Elizabeth Gibson, Burton Craige Professor of Law, University of North Carolina at Chapel Hill.

Marjorie L. Girth, Professor of Law, Georgia State University College of Law.

Michael M. Greenfield, Walter D. Coles, Professor of Law, Washington University in St. Louis School of Law.

Karen Gross, Professor of Law, New York Law School.

Steven L. Harris, Professor of Law, Chicago-Kent College of Law.

John Hennigan, Professor of Law, St. John's University School of Law.

Henry E. Hildebrand III, Adjunct Professor, Nashville School of Law.

Margaret Howard, Professor of Law, Washington and Lee University School of Law.

Sarah Jane Hughes, Professor of Law, Indiana University-Bloomington School of Law.

Melissa B. Jacoby, Associate Professor of Law, University of North Carolina at Chapel Hill.

Edward J. Janger, Visiting Professor of Law, University of Pennsylvania Law School and Professor of Law, Brooklyn Law School.

Creola Johnson, Associate Professor of Law, Ohio State Univeristy, Moritz College of Law.

Daniel Keating, Tyrell Williams, Professor of Law, Washington University in Saint Louis School of Law.

Kenneth C. Kettering, Associate Professor, New York Law School.

Jason Kilborn, Assistant Professor, Louisiana State University Law Center.

Don Korobkin, Professor of Law, Rutgers-Camden School of Law.

Robert M. Lawless, Gordon & Silver, Ltd., Professor of Law, University of Nevada, Las Vegas, William S. Boyd School of Law.

Paul Lewis, Professor of Law, The John Marshall Law School.

Jonathan C. Lipson, Visiting Professor of Law, Temple University and Professor of Law, University of Baltimore.

Lynn M. LoPucki, Security Pacific Bank Professor of Law, UCLA Law School.

Ann Lousin, Professor of Law, John Marshall Law School.

Stephen J. Lubben, Associate Professor of Law, Seton Hall University School of Law.

Lois R. Lupica, Professor of Law, University of Maine School of Law.

Ronald J. Mann, Ben H. & Kitty King Powell Chair in Business and Commercial Law, University of Texas School of Law.

Nathalie Martin, Dickason Professor of Law, UNM Mexico School of Law.

James McGrath, Associate Professor of Law, Appalachian School of Law.

Stephen McJohn, Professor of Law, Suffolk University Law School.

Juliet M. Moringiello, Professor of Law, Widener University School of Law.

Jeffrey W. Morris, Samuel A. McCray Chair in Law, University of Dayton School of Law.

James P. Nehf, Professor and Cleon H. Foust Fellow, Indiana University School of Law-Indianapolis, and Visiting Professor, University of Georgia School of Law.

Spencer Neth, Professor of Law, Case Western Reserve University.

Gary Neustadter, Professor of Law, Santa Clara University School of Law.

Scott F. Norberg, Associate Dean for Academic Affairs and Professor of Law, Florida International University College of Law.

Richard Nowka, Professor of Law, Louis D. Brandeis School of Law, University of Louisville.

Rafael I. Pardo, Associate Professor of Law, Tulane Law School.

Dean Pawlowic, Professor of Law, Texas Tech University School of Law.

Christopher Peterson, Assistant Professor of Law, University of Florida Fredric G. Levin College of Law.

Lydie Pierre-Louis, Assistant Professor of Law, Director, Securities Arbitration Clinic, St. John's University School of Law.

John A. E. Pottow, Assistant Professor of Law, University of Michigan Law School.

Lydie Nadia Pierre-Louis, Assistant Professor of Law, St. John's University School of Law.

Thomas E. Plank, Joel A. Katz Distinguished Professor of Law, University of Tennessee College of Law.

Katherine Porter, Visiting Associate Professor of Law, University of Nevada, Las Vegas William S. Boyd School of Law.

Theresa J. Pulley Radwan, Associate Dean of Academics, Stetson University College of Law.

Nancy B. Rapoport, Professor of Law, University of Houston Law Center.

Robert K. Rasmussen, Milton Underwood Chair in Law, FedEx Research Professor of Law, Director, Joe C. Davis Law and Economics Program, Vanderbilt University School of Law.

David Reiss, Assistant Professor, Brooklyn Law School.

Alan N. Resnick, Interim Dean and Benjamin Weintraub, Professor of Law, Hofstra University School of Law.

R. J. Robertson, Jr., Professor of Law, Southern Illinois University School of Law.

Arnold S. Rosenberg, Assistant Professor of Law, Thomas Jefferson School of Law.

Keith A. Rowley, Associate Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas.

David Wm. Ruskin, Adjunct Professor of Law, Wayne State University Law School.

Michael L. Rustad, Thomas F. Lambert Jr., Professor of Law & Co-Director of Intellectual Property Law Program, Suffolk University Law School.

Milton R. Schroeder, Professor of Law, Arizona State University College of Law.

Steven L. Schwarcz, Stanley A. Star, Professor of Law & Business, Duke University School of Law, Founding Director, Global Capital Markets Center.

Stephen L. Sepinuck, Professor of Law, Gonzaga University School of Law.

Charles Shafer, Professor of Law, University of Baltimore.

Paul Shupack, Professor of Law, Benjamin Cardozo School of Law, Yeshiva University.

Norman I. Silber, Professor of Law, Hofstra University School of Law.

David Skeel, S. Samuel Arsht, Professor of Corporate Law, University of Pennsylvania Law School.

Judy Beckner Sloan, Professor of Law, Southwestern University School of Law.

James C. Smith, Professor of Law, University of Georgia.

Charles Tabb, Associate Dean for Academic Affairs and Alice Curtis Campbell Professor of Law, University of Illinois College of Law.

Walter Taggart, Prof. of Law, Villanova University School of Law.

Bernard Trujillo, Assistant Professor, U. Wisconsin Law School.

Joan Vogel, Professor of Law, Vermont Law School.

Thomas M. Ward, Professor, University of Maine School of Law.

G. Ray Warner, Professor of Law & Director, LL.M. in Bankruptcy, St. John's University School of Law.

Elizabeth Warren, Leo Gottlieb, Professor of Law, Harvard Law School.

Elaine A. Welle, Professor of Law, University of Wyoming College of Law.

Jay Lawrence Westbrook, Benno C. Schmidt, Chair of Business Law, University of Texas School of Law.

Douglas Whaley, Professor Emeritus, Moritz College of Law, Ohio State University.

Michaela M. White, Professor of Law, Creighton University School of Law.

Mary Jo Wiggins, Professor of Law, University of San Diego School of Law.

Lauren E. Willis, Associate Professor of Law, Loyola Law School—Los Angeles.

William J. Woodward, Jr., Professor of Law, Temple University School of Law.

John J. Worley, Professor of Law, South Texas College of Law.

Mary Wynne, Associate Clinical Professor and Director Indian Legal Clinic, Arizona State University.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentlewoman from New York?

Mrs. MALONEY. And this is wrong. Where are the family values in this Congress?

The SPEAKER pro tempore. The gentlewoman is not under recognition.

Mrs. MALONEY. Is it just rhetoric or do you really care about children?

Mr. SAM JOHNSON of Texas. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. HASTINGS of Florida. Parliamentary inquiry, Mr. Speaker. What was the objection about?

The SPEAKER pro tempore. The objection was regarding the placement of extraneous material in the RECORD.

Mr. HASTINGS of Florida. Mr. Speaker, further parliamentary inquiry, what is the ruling of the Chair?

The SPEAKER pro tempore. The Chair heard objection.

Mr. HASTINGS of Florida. Further parliamentary inquiry, so the gentlewoman from New York's request to put in the RECORD the material?

The SPEAKER pro tempore. The material will not be placed in the RECORD. Objection was heard.

Mr. HASTINGS of Florida. Mr. Speaker, there is objection to a Member's placing in the RECORD, a Member who had made a statement supporting the things that she asked to be submitted, that is being denied?

The SPEAKER pro tempore. That is correct.

Mr. NADLER. Parliamentary inquiry, Mr. Speaker. What is the basis for the objection to a request for insertion into the RECORD of material?

The SPEAKER pro tempore. It takes unanimous consent to place extraneous material in the RECORD. An objection was heard to such a request; therefore, unanimous consent was not obtained.

Mr. NADLER. Mr. Speaker, is it not customary as a normal matter of comity in this House to allow all material requested to be placed in the RECORD?

The SPEAKER pro tempore. Unanimous consent was sought. It was not obtained because the gentleman from Texas was on his feet and objected; therefore, the material does not get inserted in the RECORD.

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Speaker. Is the material asked to be inserted covered under the General Leave that was requested at the beginning of the debate by the gentleman from Georgia (Mr. GINGREY)?

The SPEAKER pro tempore. The general leave was for extension of remarks and not for insertion of extraneous material.

Mr. NADLER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. There has been no ruling. The Chair merely heard objection.

Ms. WATERS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from California is recognized.

Ms. WATERS. Mr. Speaker, does the rule not state that the objection must be asked for prior to the speaking of the Member? This Member spoke, and the objection was asked for after the party spoke. My understanding is it should have been done ahead of time.

What is the correct rule?

The SPEAKER pro tempore. The gentlewoman from New York made a unanimous consent request, which was heard in total. At the conclusion of that request, the Chair queried for objection, and the gentleman from Texas rose and objected. Therefore, unanimous consent was not obtained.

Ms. WATERS. I am sorry, Mr. Speaker. I think what I observed was she asked unanimous consent. There was no objection. She proceeded to speak. She spoke, and the objection was not timely. It was asked for after she had completed speaking. That is what I saw.

The SPEAKER pro tempore. The gentlewoman from New York was yielded for the purpose of a unanimous consent request. At the conclusion of that consent request, objection was made by the gentleman from Texas.

Ms. WATERS. Mr. Speaker, I submit that that was not a timely objection. It was not timely.

The SPEAKER pro tempore. It was a contemporaneous objection; when the Chair queried for objection, the gentleman was on his feet. Therefore, it was timely.

Ms. WATERS. Mr. Speaker, I do not think so. And I would oppose that, and I would support my colleague, who again would ask that we have a vote on the ruling by the Chair.

The SPEAKER pro tempore. Does the gentlewoman from California appeal the ruling of the Chair that the objection was timely?

Ms. WATERS. Yes, Mr. Speaker. Based on my statement, he is now again appealing the ruling of the Chair based on that it was untimely.

I ask the gentleman from New York (Mr. NADLER) if that is right.

Mr. NADLER. Yes, it is.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. Would the gentleman kindly withhold that motion.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw for now the motion to table.

Mr. NADLER. Mr. Speaker, in light of new information, I withdraw the appeal.

The SPEAKER pro tempore. Does the gentlewoman from California withdraw her appeal?

Ms. WATERS. Yes, Mr. Speaker, I withdraw; and I thank the gentleman on the opposite side of the aisle.

Mr. HASTINGS of Florida. Mr. Speaker, with the Speaker's permission, I ask unanimous consent that the extraneous material offered by the gentlewoman from New York (Mrs. MALONEY) be made a part of the RECORD following her remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise to oppose this legislation.

After 4 years of record deficits and $2 trillion in new debt, one would think that the Republican majority would have a better understanding of what bankruptcy is. They are lucky this law does not apply to their actions in the last 4 years.

Instead, we have a bill that promotes one bankruptcy code for the wealthy and another for the middle class.

Case in point: The bill preserves the ''Millionaires Loophole,'' used by the wealthy to hide up to $1 million from creditors and courts into offshore accounts known as asset protection. Everyone should be subject to the same law and the same standards, not one set of rules for the wealthy and one for middle-class families. If one can afford a high-priced lawyer to set up an asset protection trust, they are a lot better off in bankruptcy than a middle-class family struggling to pay off large hospital bills. More than half of all bankruptcies result from catastrophic medical bills.

Mr. Speaker, rather than deal with the health care crisis or making college affordable, this legislation protects wealthy deadbeats from the same standard imposed upon every middle-class American. We should have one rule, one standard in the law of bankruptcy law that applies to every American regardless of income and regardless of wealth or position.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute.

In response to the gentleman from Illinois, the reform bill significantly limits two practices that some wealthy filers use to hide assets from bankrupt creditors. Under the current system, in States with unlimited homestead exemptions, debtors can shield the full value of their residencies from creditors. To discourage debtors from relocating to the State to hide assets prior to a bankruptcy filing, the legislation requires a 3-year residency before a debtor can take advantage of the State's full homestead exemption. Currently, that is 91 days.

In addition, the bill adds a specific provision that prevents filers from shielding funds in an asset protection trust when fraud is involved. In fact, these practices will continue unabated unless this legislation is passed.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purposes of making a privileged motion to the gentlewoman from California (Ms. WOOLSEY).

MOTION TO ADJOURN

Ms. WOOLSEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The motion is not debatable.

The question is on the motion to adjourn offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 49, nays 371, not voting 14, as follows:

[Roll No. 103]

YEAS—49

Allen
Baldwin
Berman
Brady (PA)
Butterfield
Capps
Capuano
Clay
Clyburn
Conyers
Cooper
Delahunt
DeLauro
Dingell
Doggett
Evans
Fattah
Filner
Frank (MA)
Green, Al
Hinchey
Holt
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Lee
Markey
McDermott
McGovern
McKinney
Miller, George
Nadler
Oberstar
Olver
Owens
Paul
Payne
Rangel
Sánchez, Linda T.
Schakowsky
Stark
Thompson (MS)
Tierney
Waters
Waxman
Woolsey

NAYS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Berkley
Bilirakis
Buyer
Davis, Tom
Gillmor
Herger
Istook
Manzullo